

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)
NUMBER 55-7830 (a16634))

MEMORANDUM DECISION

Change Application Number 55-7830 (a16634), in the name of Woodland Hills Mutual Water Company, Francis Town Corporation, was filed on March 12, 1992, to change the place and nature of use of 162.36 acre-feet of water. Heretofore, the water has been diverted from a 10 inch well, 330 feet deep, located North 481 feet and East 974 feet from the S $\frac{1}{4}$ Corner of Section 2, T3S, R6E, SLB&M, and used for the irrigation of 34.29 acres, and the domestic purposes of 56 families in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 2, T3S, R6E, SLB&M.

Hereafter, it is proposed to divert 162.36 acre-feet of water from the same as Heretofore, to be used for the irrigation of 17.15 acres, and the domestic purposes of 56 families, and municipal purposes in the OTown of Francis in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 2, T3S, R6E, SLB&M.

The application was advertised in The Summit County Bee from April 3, 1992, to April 17, 1992, and was protested by USA Bureau of Reclamation and the Central Utah Water Conservancy District.

A hearing was not held.

In the written protests, it is stated that a potential for enlargement exists when making a change such as this one and that verification of lands taken out of irrigation should be a condition of approval.

In review of the change application, the State Engineer has noted the following:

- A. A prior change application, Number 55-7830 (a14920), was filed on the same shares of stock in the South Kamas Irrigation Company. Change Application Number 55-7830 (a14920) will have to be rejected.
- B. The prior change application was approved for 162.36 acre-feet of water to be used for the domestic needs of 56 families and irrigation of 34.29 acres of land. The change application before the State Engineer proposes to change the uses to the domestic need of 56 families, irrigation of 17.15 acres and municipal uses in Francis. A potential of expansion of the water could exist unless the well was metered and limited to 162.36 acre-feet of water diversion or the amount of water that would have been available to the applicants under the shares of stock in the Irrigation Company.

The State Engineer has reviewed the change application, the underlying water rights, and a prior approved change application and is of the opinion that the change application can be approved, provided that certain conditions are imposed.

It is, therefore, **ORDERED** and Change Application Number 55-7830 (a16634) is hereby **APPROVED** subject to prior rights and the following conditions:

1. No more water shall be diverted annually from the well than the applicants would receive from the South Kamas

Irrigation Company through ownership of 98 shares of stock or 162.36 acre-feet, whichever is less. Furthermore, the applicants shall maintain ownership of the 98 shares of stock, pay their assessment to the South Kamas Irrigation Company, and meet any other obligations they may incur as a shareholder in the Company.

2. The applicants shall install a permanent totalizing meter on the water system to measure all water diverted from the well, and the meter shall be available for inspection by the State Engineer, the duly appointed Provo River Commissioner, and/or the authorized water master involved in the distribution of water for South Kamas Irrigation Company at all reasonable times to regulate this change application. No later than January 31 of each year, the total quantity of water diverted monthly, summarized annually, shall be reported by the applicants to the duly appointed Provo River Commissioner and shall be part of the information reported by him in his annual report to the State Engineer.
3. The diversion of water out of the Provo River into the South Kamas Canal shall be reduced by 2.4 percent, or the equivalent of 98 shares of stock, for this change application.
4. At the time of submittal of proof of change, the applicants shall include a description of the land taken out of irrigation that was formerly irrigated by the applicant's 98 shares of stock in the South Kamas Irrigation Company.
5. Any additional costs incurred by the Provo River Commissioner in the administration of this change application shall be borne by the applicants. The amount of such costs shall be determined by the Provo River Commissioner and/or the State Engineer.
6. Change Application Number 55-7830 (a14920) is superseded by this change application and hereby considered REJECTED.

This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

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Dated this 13th day of November, 1992.


Robert L. Morgan, P.E., State Engineer

RLM:JER:jb

Mailed a copy of the foregoing Memorandum Decision this 13th day of November, 1992, to:

Woodland Hills Mutual Water Company
c/o R. L. Knuth
310 South Main Street, Suite 1100
Salt Lake City, UT 84101

Francis Town Corporation
c/o R. L. Knuth
310 South Main Street, Suite 1100
Salt Lake City, UT 84101

US Department of the Interior
c/o Bruce C. Barrett
P. O. Box 51338
Provo, UT 84605-1338

Central Utah Water Conservancy District
c/o Don A. Christiansen
355 West 1300 South
Orem, UT 84058-7303

Stanley H. Roberts, Jr.
1675 South 350 East
Orem, UT 84058

South Kamas Irrigation Company
c/o DeLoy Bisel
3106 East State Hwy 35
Kamas, UT 84036

BY: 
Judy Barbour, Secretary